IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

MONDAY, THE 20TH AUGUST 2007 / 29TH SRAVANA 1929

WP(C).No. 24762 of 2007(W)

PETITIONER:

P.D.VARGHESE, PADAPURAKKAL HOUSE,
CHERANALLOOR P.O., MATTUMMEL,
KOCHIN-34.

BY ADV. SRI.GOVIND K.BHARATHAN
SRI.PRABIN BABU

RESPONDENTS:
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1. COMMISSIONER OF POLICE,
COCHIN CITY, ERNAKULAM.

2. SUB INSPECTOR OF POLICE,
CHERANALLOOR POLICE STATION,
CHERANALLOOR.

3. VINCENT, KILITHATTIL HOUSE,
CHERANALLOOR P.O., MATTUMMEL,
KOCHI-34.

4. GLANCY JACOB, S/O JACOB,
NADUVATHEZHATHU, CHERANALLOOR,
KOCHI-34.

BY ADV. SRI.NISHIN GEORGE VIJAYABABU
SMT.ANNAMMA PHILIP
SRI.BIJU JOSEPH
GOVT. PLEADER, SRI.SALIM.P.A.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT. P1: COPY OF THE ORDER DATED 6-7-2007 IN B.A. 3997/2007.

EXT. P2: COPY OF THE COMPLAINT DATED 12-08-2007 FILED BY THE PETITIONER BEFORE THE 3RD RESPONDENT.

/TRUE COPY/

P.A. TO JUDGE

JP

K.BALAKRISHNAN NAIR &

HARUN-UL-RASHID, JJ.

W.P.(C) NO. 24762 OF 2007-W

Dated 20th August, 2007.

JUDGMENT

Balakrishnan Nair, J.

The petitioner has approached this Court, seeking the following reliefs:

> "(i) issue a writ of mandamus or any other appropriate writ, order of direction directing the 1st and 2nd respondents to provide adequate police protection to the petitioner and his family members against the humiliation and harassment caused by the 3rd and 4th respondents and others acting at their behest and control."

2. The brief facts pleaded by the petitioner are the following: He is a preacher and conducting prayers in a hall attached to his house. The 3rd respondent is residing in his neighbourhood. The money sent by the said respondent, who is employed in the Gulf countries, to his wife was spent for purchasing a plot of land in her name and for the construction of a residential building, against the instructions to her to purchase the property in his name. When he came back, it was found that the property was

registered in his wife's name. So, he started harassing her. It appears she went away, fed up with the harassment. Thinking that the petitioner is behind her disappearance and he knows where she is, the 3rd respondent started complaining. The 3rd respondent along with others filed a mass petition before the Commissioner of Police, making various allegations against the petitioner. Apprehending that he may be implicated and arrested, the petitioner moved this Court for anticipatory bail. The said application was closed by order dated 6.7.2007, noticing that at that time no crime involving cognizable offence was registered against him. Later, the 3rd respondent engaged the 4th respondent, who is stated to be a muscleman, to harass the petitioner. He entered the petitioner's residential building on 12.8.2007 and manhandled him and his family members. His sister and son were injured. So, he filed Ext.P2 complaint before the 2nd respondent, pointing out the above facts. But, no action is being taken on the said complaint. He is under the constant threat of the 4th respondent. Hence this writ petition seeking the above quoted relief.

3. Though notice was served by special messenger on respondents 3 and 4, nobody appeared for the said respondent. The learned Government Pleader, upon instructions, submitted that the 4th respondent has filed a complaint before the S.I of Police on 12.8.2007, alleging that the petitioner

abused him and beat him. Thereafter, the petitioner through his son forwarded Ext.P2 complaint, making allegations against the 4th respondent. Both the parties were summoned to the Police Station. But,the petitioner failed to appear. The learned Government Pleader further points out that on notice the petitioner should have appeared and co-operated with the police for the investigation of the incident reported in Ext.P2. Unless he co-operates, the Police cannot do anything, it is pointed out.

4. But, if there is any genuine threat to the life of the petitioner, he may alert the 2nd respondent about the same. In that event the said respondent shall look into the complaint and if the apprehension is found to be genuine, protection to his life shall be rendered.

The Writ Petition is disposed of as above.

K.BALAKRISHNAN NAIR, JUDGE.

HARUN-UL-RASHID, JUDGE.

Nm/